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10/829,398	04/22/2004	Zakir Akram	PAT 4535-2	5405

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EXAMINER	
DHILLON, MANJOT K	
ART UNIT	**PAPER NUMBER**
3714	

NOTIFICATION DATE	DELIVERY MODE
12/18/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/829,398	AKRAM ET AL.	
	Examiner	Art Unit	
	MANJOT K. DHILLON	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13 and 25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13 and 25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 August 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to applicant's response filed on 9/11/08. Applicant amends 25 and responds to rejections. Claims 1-13 and 25 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 25 and 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Carter, SR. (US Pub. No. 2002/0147049 A1).

Concerning claim 25, Carter teaches a method for wireless gaming using a wireless terminal over a wireless network **[Abstract]**, comprising: determining and recording that a player is generally authorized to engage in lottery games **[0037/0038]**; verifying that the player is authorized to engage in lottery games, without reference to the determining and recording that a player is generally authorized to engage in lottery games **[0041/0042]**, when providing new prepaid credit to be maintained in a prepaid credit account associated with the player **[0013]** and associated with a jurisdiction for lottery games **[0043/0044]**; requiring entry of a personal identification number to authorize access to said prepaid credit account **[0037/0038/0041/0042]**; requiring entry of an access code into said wireless terminal to authorize access to a wireless lottery

gateway of the wireless network **[0043]**; determining a geographic location of the player **[0015/0043]**; and providing access to play one or more lottery games via the wireless lottery gateway, based on: said recorded determination that the player is generally authorized to engage in lottery games **[0037/0038/0041/0042]**, said determined location of the player **[0015/0043/0049]**, and an amount available in said prepaid credit account **[0013]** and a jurisdiction with which the prepaid credit account is associated **[0043/0044]**.

Concerning claim 1, Carter teaches for wireless gaming using a wireless terminal over a wireless network, said method comprising: the determining and recording that the player is generally authorized to engage in lottery games comprises verifying and recording the player's age when providing general authorization to access the wireless lottery gateway **[0037/0038/0041/0042]**; the verifying that the player is authorized to engage in lottery games when providing new prepaid credit comprises verifying the player's age when providing the new prepaid credit **[0013/0037/0038/0041/0042]**; the determining of the geographic location of the player is based on the location of the wireless terminal **[0015/0043/0049]**; and the method further comprises notifying the player when they have won **[0013/0047]**; and providing means for the player to verify that the player has won by at least one of: presentation of a prepaid credit account number used to play a winning game and the associated personal identification number **[0013/0037/0038/0041/0042/0047]**; presentation of a reference number provided with a winning notification and the wireless terminal used to play the lottery game; and

presentation of a photo identification and wireless network account information for verifying ownership of the wireless terminal used to play the lottery game.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 2-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter, SR. (US Pub. No. 2002/0147049 A1) in view of Carson (US 6134309).

Concerning claim 2, Carter teaches for wireless gaming over a wireless network, said method comprising: providing a registry of new prepaid credit, each prepaid credit including the personal identification number required to authorize access to the new prepaid credit and having a predetermined value, where, the verifying that the player is authorized to engage in lottery games when providing new prepaid credit **[0013/0037/0038/0041/0042]**, the player is generally authorized to engage in said

lottery games; and the providing access to play one or more lottery games via the wireless lottery gateway based on an amount available in said prepaid credit account comprises **[0013/0037/0038/0041/0042/0047]**: determining if an amount is available in said prepaid credit account and determining if said amount is sufficient for game play **[0013/0047]** by placing the predetermined value into the prepaid credit account associated with the player and repeating said determining if said amount is sufficient for game play **[0013/0047]**. Carter teaches providing credit into the account via credit card **[0033]**, however is silent on a specific lotto card. Using a pre-paid card instead of a credit card to place credit into an account is well known and considered design choice to one of ordinary skill in the art.

Furthermore, Carson teaches providing a registry of lotto cards representing new prepaid credit **[column 4, lines 35-50]**, each lotto card including a lotto card number and the personal identification number required to authorize access to the new prepaid credit and having a predetermined value **[column 4, lines 35-50]**, and the providing access to play one or more lottery games via the wireless lottery gateway based on an amount available in said prepaid credit account comprises **[column 7, lines 15-43 and 57-67]**: determining if an amount is available in said prepaid credit account and determining if said amount is sufficient for game play; and lotto card number having value available has been registered for said wireless terminal **[column 7, line 15-column 8, line 60]**.

Carter teaches adding wagers through a credit card **[0033]**. If said amount is not sufficient for game play, requesting entry of a lotto card number having value available

and the personal identification number associated therewith, verifying said lotto card number and personal identification number and registering said lotto card number for said wireless terminal by placing the predetermined value into the prepaid credit account associated with the player and repeating said determining if said amount is sufficient for game play is design choice and considered obvious. Requesting entry of an additional card to add value to place is wager is well known is therefore obvious.

It would be obvious to one of ordinary skill in the art to use the physical pre-paid lotto cards as disclosed by Carson with the wireless mobile gaming system as disclosed by Carter to allow mobile access of wagering games without the use of a credit card. Furthermore, all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Concerning claim 3, Carter teaches wherein said determining and recording that the player is generally authorized to engage in said lottery games comprises determining and recording said player's age **[0037/0038/0041/0042]**.

Concerning claim 4, Carter teaches wherein said wireless lottery, game provider is subject to governmental regulation **[0037/0038/0041/0042-0044/0049]**.

Concerning claim 5, Carter teaches wherein said providing access to play one or more lottery games comprises: receiving information regarding a game to be played and information required for the game; communicating the game to be played and the information required for the game to a lottery server of lottery game provider; receiving

confirmation information of the game played and the information transmitted from said lottery server; and recording said confirmation information in a database related to said account credit **[0013/0043-0047]**. Lotto card is an obvious variation to credit in an account.

Concerning claim 6, Carter teaches communicating said confirmation to said wireless terminal **[0043-0047]**.

Concerning claim 7, Carter teaches receiving information about winning plays from a lottery provider; and informing a winning player of their winning **[0013/0037/0038/0041/0042/0047]**.

Concerning claim 8, periodically reminding said winning player to collect their winnings is similar to reminders being set in mobile phones and therefore is well known in the art and considered design choice.

Concerning claim 9, Carter teaches providing the lottery provider with information for verifying an identity of said winning player **[0037/0038/0041/0042]**.

Concerning claim 10, Carter teaches said winning player verifies their win to the lottery provider by at least one of: presentation of a prepaid credit account number used to play the winning game and the associated personal identification number **[0013/0037/0038/0041/0042/0047]**; presentation of a reference number provided with winning notification and said wireless terminal used to play the lottery game; and presentation of photo identification and wireless network account information. Using a lotto card instead of a prepaid credit account number is obvious and considered design choice.

Concerning claim 11, Carter teaches wherein said wireless terminal is provisioned for game play by an authorized dealer at the time said wireless terminal is first provided to said player **[0043-0049]**.

Concerning claim 12, it is well known in the art wherein said access code can be changed by said player and is considered design choice.

Concerning claim 13, it is well known in the art wherein said lottery application program comprises a graphical user interface, especially since most mobile phones contain graphical user interfaces.

Examiner's Note

The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is incumbent upon the applicant to analyze the prior art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed…." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

Response to Arguments

7. Applicant's arguments filed 9/11/08 have been fully considered but they are not persuasive. Applicant argues that a person of skill in the art would not have been motivated to combine Carson and Carter. However, Examiner disagrees. Carter

teaches a location based mobile wagering system. Carson teaches pre-paid phone card system associated with a lottery game. Both references deal with phone wagering. It would be obvious to one of ordinary skill in the art to use the physical pre-paid lotto cards as disclosed by Carson with the wireless mobile gaming system as disclosed by Carter to allow mobile access of wagering games without the use of a credit card. Furthermore, all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Applicant argues that neither Carter of Carson teach or suggest a secondary verification of authorization to engage in lottery games once the account has been established. However, Examiner disagrees. Carter specifically teaches secondary verification to engage in the lottery games after the account has been established. Carter teaches upon establishing a gaming account, the user may initiate a gaming session by transmitting initiating information to the HGR system 206 via the wireless network 202 (step 304). The initiation information may include the user identification **and**/or access or security code (e.g., biometric information, personal identification information etc.). The HGR system 206 may use the provided information to authenticate the user identification and determine if the user is authorized to place wager on the system (step 306). Such authentication may include providing a personal identification number in similar manner as is done with existing credit and debit accounts. Alternatively, authentication may include providing voice or

biometric identifying information, via mobile gaming unit 102. In such instance, the mobile gaming unit may be equipped with certain biometric utility applications (e.g., fingerprinting recognition, palm print recognition, etc.) **and**/or voice or iris recognition technology. See 0042. Applicant argues that neither Carter nor Carson teach or suggest that a prepaid account may be associated with or linked to a particular jurisdiction. However, Examiner disagrees. Carter teaches the user may provide initiating location information (e.g., longitude, latitude, etc.) which is correlative to the jurisdiction in which the gambler (e.g., mobile gambling unit 102) is located. Upon retrieving the location information the HGR system 206 may be matched to a distinct jurisdiction (e.g., jurisdictional information). The HGR system 206 may provide the gaming profile **and**/or the jurisdictional information to the gaming controller 204, which may further provide the information to the local gaming server 208 (step 314). In some instances, the jurisdictional information may be provided to a separate visiting gaming server for use in determining the available games for a particular jurisdiction. Once the gaming information is determined, information concerning the available games is forwarded to the user via the game controller 204, the wireless system 202, and more particularly via mobile gaming unit 102 (steps 316 and 318). See 0043 and 0044. Sending the gaming profile and the jurisdictional info to the gaming controller, which then further provides the info to the local gaming server links the prepaid account with a particular jurisdiction. The prior art relied upon reads on the claimed invention.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MANJOT K. DHILLON whose telephone number is (571)270-1297. The examiner can normally be reached on Mon. - Thurs., 7 AM - 6 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Manjot K. Dhillon
Examiner
Art Unit 3714

/M. K. D./
Examiner, Art Unit 3714

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